



94TH GENERAL ASSEMBLY
State of Illinois
2005 and 2006
HB1463

Introduced 2/10/2005, by Rep. Robert F. Flider

SYNOPSIS AS INTRODUCED:

105 ILCS 5/26-3a	from Ch. 122, par. 26-3a
625 ILCS 5/6-107	from Ch. 95 1/2, par. 6-107
625 ILCS 5/6-108	from Ch. 95 1/2, par. 6-108
625 ILCS 5/6-201	from Ch. 95 1/2, par. 6-201

Amends the Illinois Vehicle Code and the School Code. Provides, beginning August 1, 2005, with certain exceptions, for the cancellation of or refusal to issue a driver's license for failure of an unmarried person under 18 years of age to maintain school attendance. Effective immediately.

LRB094 08453 DRH 38658 b

FISCAL NOTE ACT
MAY APPLY

STATE MANDATES
ACT MAY REQUIRE
REIMBURSEMENT

1 AN ACT concerning driver's licenses.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The School Code is amended by changing Section
5 26-3a as follows:

6 (105 ILCS 5/26-3a) (from Ch. 122, par. 26-3a)

7 Sec. 26-3a. Report of pupils no longer enrolled in school.

8 The clerk or secretary of the school board of all school
9 districts shall furnish quarterly on the first school day of
10 October, January, April and July to the regional superintendent
11 a list of pupils, excluding transferees, who have been expelled
12 or have withdrawn or who have left school and have been removed
13 from the regular attendance rolls during the period of time
14 school was in regular session from the time of the previous
15 quarterly report. Such list shall include the names and
16 addresses of pupils formerly in attendance, the names and
17 addresses of persons having custody or control of such pupils,
18 the reason, if known, such pupils are no longer in attendance
19 and the date of removal from the attendance rolls. The regional
20 superintendent shall inform the county or district truant
21 officer who shall investigate to see that such pupils are in
22 compliance with the requirements of this Article.

23 Beginning on August 1, 2005, the clerk or secretary of the
24 school board of all school districts shall furnish on the first
25 school day of each month to the Secretary of State, on a form
26 prescribed by the Secretary, a list of pupils, excluding
27 transferees and pupils with extraordinary circumstances of
28 economic or medical necessity or family hardship as determined
29 by the local superintendent of schools, who during the month
30 covered by the report have been expelled or have withdrawn or
31 who have left school and have been removed from the regular
32 attendance rolls during the period of time school was in

1 regular session. The list shall include the same information
2 contained in the quarterly list furnished for the use of the
3 regional superintendent.

4 In addition, the regional superintendent of schools of each
5 educational service region shall report to the State Board of
6 Education, in January of 1992 and in January of each year
7 thereafter, the number and ages of dropouts, as defined in
8 Section 26-2a, in his educational service region during the
9 school year that ended in the immediately preceding calendar
10 year, together with any efforts, activities and programs
11 undertaken, established, implemented or coordinated by the
12 regional superintendent of schools that have been effective in
13 inducing dropouts to re-enroll in school.

14 (Source: P.A. 87-303.)

15 Section 10. The Illinois Vehicle Code is amended by
16 changing Sections 6-107, 6-108, and 6-201 as follows:

17 (625 ILCS 5/6-107) (from Ch. 95 1/2, par. 6-107)

18 Sec. 6-107. Graduated license.

19 (a) The purpose of the Graduated Licensing Program is to
20 develop safe and mature driving habits in young, inexperienced
21 drivers and reduce or prevent motor vehicle accidents,
22 fatalities, and injuries by:

23 (1) providing for an increase in the time of practice
24 period before granting permission to obtain a driver's
25 license;

26 (2) strengthening driver licensing and testing
27 standards for persons under the age of 21 years;

28 (3) sanctioning driving privileges of drivers under
29 age 21 who have committed serious traffic violations or
30 other specified offenses; and

31 (4) setting stricter standards to promote the public's
32 health and safety.

33 (b) The application of any person under the age of 18
34 years, and not legally emancipated by marriage, for a drivers

1 license or permit to operate a motor vehicle issued under the
2 laws of this State, shall be accompanied by the written consent
3 of either parent of the applicant; otherwise by the guardian
4 having custody of the applicant, or in the event there is no
5 parent or guardian, then by another responsible adult.

6 No graduated driver's license shall be issued to any
7 applicant under 18 years of age, unless the applicant is at
8 least 16 years of age and has:

9 (1) Held a valid instruction permit for a minimum of 3
10 months.

11 (2) Passed an approved driver education course and
12 submits proof of having passed the course as may be
13 required.

14 (3) certification by the parent, legal guardian, or
15 responsible adult that the applicant has had a minimum of
16 25 hours of behind-the-wheel practice time and is
17 sufficiently prepared and able to safely operate a motor
18 vehicle.

19 (b-1) Beginning August 1, 2005, no graduated driver's
20 license shall be issued to any applicant who is under 18 years
21 of age and not legally emancipated by marriage, unless the
22 applicant has graduated from a secondary school of this State
23 or any other state, is enrolled in a course leading to a
24 general educational development (GED) certificate, has
25 obtained a GED certificate, or is enrolled in an elementary or
26 secondary school or college or university of this State or any
27 other state and submits proof of meeting any of those
28 requirements at the time of application.

29 (c) No graduated driver's license or permit shall be issued
30 to any applicant under 18 years of age who has committed the
31 offense of operating a motor vehicle without a valid license or
32 permit in violation of Section 6-101 of this Code and no
33 graduated driver's license or permit shall be issued to any
34 applicant under 18 years of age who has committed an offense
35 that would otherwise result in a mandatory revocation of a
36 license or permit as provided in Section 6-205 of this Code or

1 who has been either convicted of or adjudicated a delinquent
2 based upon a violation of the Cannabis Control Act or the
3 Illinois Controlled Substances Act, while that individual was
4 in actual physical control of a motor vehicle. For purposes of
5 this Section, any person placed on probation under Section 10
6 of the Cannabis Control Act or Section 410 of the Illinois
7 Controlled Substances Act shall not be considered convicted.
8 Any person found guilty of this offense, while in actual
9 physical control of a motor vehicle, shall have an entry made
10 in the court record by the judge that this offense did occur
11 while the person was in actual physical control of a motor
12 vehicle and order the clerk of the court to report the
13 violation to the Secretary of State as such.

14 (d) No graduated driver's license shall be issued for 6
15 months to any applicant under the age of 18 years who has been
16 convicted of any offense defined as a serious traffic violation
17 in this Code or a similar provision of a local ordinance.

18 (e) No graduated driver's license holder under the age of
19 18 years shall operate any motor vehicle, except a motor driven
20 cycle or motorcycle, with more than one passenger in the front
21 seat of the motor vehicle and no more passengers in the back
22 seats than the number of available seat safety belts as set
23 forth in Section 12-603 of this Code.

24 (f) No graduated driver's license holder under the age of
25 18 shall operate a motor vehicle unless each driver and front
26 or back seat passenger under the age of 18 is wearing a
27 properly adjusted and fastened seat safety belt.

28 (g) If a graduated driver's license holder is under the age
29 of 18 when he or she receives the license, for the first 6
30 months he or she holds the license or until he or she reaches
31 the age of 18, whichever occurs sooner, the graduated license
32 holder may not operate a motor vehicle with more than one
33 passenger in the vehicle who is under the age of 20, unless any
34 additional passenger or passengers are siblings,
35 step-siblings, children, or stepchildren of the driver.

36 (Source: P.A. 93-101, eff. 1-1-04; 93-788, eff. 1-1-05.)

1 (625 ILCS 5/6-108) (from Ch. 95 1/2, par. 6-108)

2 Sec. 6-108. Cancellation of license issued to minor.

3 (a) The Secretary of State shall cancel the license or
4 permit of any minor under the age of 18 years in any of the
5 following events:

6 1. Upon the verified written request of the person who
7 consented to the application of the minor that the license
8 or permit be cancelled;

9 2. Upon receipt of satisfactory evidence of the death
10 of the person who consented to the application of the
11 minor;

12 3. Upon receipt of satisfactory evidence that the
13 person who consented to the application of a minor no
14 longer has legal custody of the minor; ~~+~~

15 4. Beginning August 1, 2005, upon receipt of
16 information, submitted on a form prescribed by the
17 Secretary of State under Section 26-3a of the School Code
18 and provided voluntarily by nonpublic schools, that a
19 license-holding minor no longer meets the school
20 attendance requirements defined in Section 6-107 of this
21 Act.

22 After cancellation, the Secretary of State shall not issue
23 a new license or permit until the applicant meets the
24 provisions of Section 6-107 of this Code.

25 (b) The Secretary of State shall cancel the license or
26 permit of any person under the age of 18 years if he or she is
27 convicted of violating the Cannabis Control Act or the Illinois
28 Controlled Substances Act while that person was in actual
29 physical control of a motor vehicle. For purposes of this
30 Section, any person placed on probation under Section 10 of the
31 Cannabis Control Act or Section 410 of the Illinois Controlled
32 Substances Act shall not be considered convicted. Any person
33 found guilty of this offense, while in actual physical control
34 of a motor vehicle, shall have an entry made in the court
35 record by the judge that this offense did occur while the

1 person was in actual physical control of a motor vehicle and
2 order the clerk of the court to report the violation to the
3 Secretary of State as such. After the cancellation, the
4 Secretary of State shall not issue a new license or permit for
5 a period of one year after the date of cancellation or until
6 the minor attains the age of 18 years, whichever is longer.
7 However, upon application, the Secretary of State may, if
8 satisfied that the person applying will not endanger the public
9 safety, or welfare, issue a restricted driving permit granting
10 the privilege of driving a motor vehicle between the person's
11 residence and person's place of employment or within the scope
12 of the person's employment related duties, or to allow
13 transportation for the person or a household member of the
14 person's family for the receipt of necessary medical care or,
15 if the professional evaluation indicates, provide
16 transportation for the petitioner for alcohol remedial or
17 rehabilitative activity, or for the person to attend classes,
18 as a student, in an accredited educational institution; if the
19 person is able to demonstrate that no alternative means of
20 transportation is reasonably available; provided that the
21 Secretary's discretion shall be limited to cases where undue
22 hardship would result from a failure to issue such restricted
23 driving permit. In each case the Secretary of State may issue a
24 restricted driving permit for a period as he deems appropriate,
25 except that the permit shall expire within one year from the
26 date of issuance. A restricted driving permit issued hereunder
27 shall be subject to cancellation, revocation, and suspension by
28 the Secretary of State in like manner and for like cause as a
29 driver's license issued hereunder may be cancelled, revoked, or
30 suspended; except that a conviction upon one or more offenses
31 against laws or ordinances regulating the movement of traffic
32 shall be deemed sufficient cause for the revocation,
33 suspension, or cancellation of a restricted driving permit. The
34 Secretary of State may, as a condition to the issuance of a
35 restricted driving permit, require the applicant to
36 participate in a driver remedial or rehabilitative program.

1 Thereafter, upon reapplication for a license as provided in
2 Section 6-106 of this Code or a permit as provided in Section
3 6-105 of this Code and upon payment of the appropriate
4 application fee, the Secretary of State shall issue the
5 applicant a license as provided in Section 6-106 of this Code
6 or shall issue the applicant a permit as provided in Section
7 6-105.

8 (Source: P.A. 86-1450; 87-1114.)

9 (625 ILCS 5/6-201) (from Ch. 95 1/2, par. 6-201)

10 Sec. 6-201. Authority to cancel licenses and permits.

11 (a) The Secretary of State is authorized to cancel any
12 license or permit upon determining that the holder thereof:

13 1. was not entitled to the issuance thereof hereunder;

14 or

15 2. failed to give the required or correct information
16 in his application; or

17 3. failed to pay any fees, civil penalties owed to the
18 Illinois Commerce Commission, or taxes due under this Act
19 and upon reasonable notice and demand; or

20 4. committed any fraud in the making of such
21 application; or

22 5. is ineligible therefor under the provisions of
23 Section 6-103 of this Act, as amended; or

24 6. has refused or neglected to submit an alcohol, drug,
25 and intoxicating compound evaluation or to submit to
26 examination or re-examination as required under this Act;
27 or

28 7. has been convicted of violating the Cannabis Control
29 Act, the Illinois Controlled Substances Act, or the Use of
30 Intoxicating Compounds Act while that individual was in
31 actual physical control of a motor vehicle. For purposes of
32 this Section, any person placed on probation under Section
33 10 of the Cannabis Control Act or Section 410 of the
34 Illinois Controlled Substances Act shall not be considered
35 convicted. Any person found guilty of this offense, while

1 in actual physical control of a motor vehicle, shall have
2 an entry made in the court record by the judge that this
3 offense did occur while the person was in actual physical
4 control of a motor vehicle and order the clerk of the court
5 to report the violation to the Secretary of State as such.
6 After the cancellation, the Secretary of State shall not
7 issue a new license or permit for a period of one year
8 after the date of cancellation. However, upon application,
9 the Secretary of State may, if satisfied that the person
10 applying will not endanger the public safety, or welfare,
11 issue a restricted driving permit granting the privilege of
12 driving a motor vehicle between the person's residence and
13 person's place of employment or within the scope of the
14 person's employment related duties, or to allow
15 transportation for the person or a household member of the
16 person's family for the receipt of necessary medical care
17 or, if the professional evaluation indicates, provide
18 transportation for the petitioner for alcohol remedial or
19 rehabilitative activity, or for the person to attend
20 classes, as a student, in an accredited educational
21 institution; if the person is able to demonstrate that no
22 alternative means of transportation is reasonably
23 available; provided that the Secretary's discretion shall
24 be limited to cases where undue hardship would result from
25 a failure to issue such restricted driving permit. In each
26 case the Secretary of State may issue such restricted
27 driving permit for such period as he deems appropriate,
28 except that such permit shall expire within one year from
29 the date of issuance. A restricted driving permit issued
30 hereunder shall be subject to cancellation, revocation and
31 suspension by the Secretary of State in like manner and for
32 like cause as a driver's license issued hereunder may be
33 cancelled, revoked or suspended; except that a conviction
34 upon one or more offenses against laws or ordinances
35 regulating the movement of traffic shall be deemed
36 sufficient cause for the revocation, suspension or

1 cancellation of a restricted driving permit. The Secretary
2 of State may, as a condition to the issuance of a
3 restricted driving permit, require the applicant to
4 participate in a driver remedial or rehabilitative
5 program; or

6 8. failed to submit a report as required by Section
7 6-116.5 of this Code; or -

8 9. is ineligible for a license or permit under Section
9 6-107 or 6-108 of this Code.

10 (b) Upon such cancellation the licensee or permittee must
11 surrender the license or permit so cancelled to the Secretary
12 of State.

13 (c) Except as provided in Sections 6-206.1 and 7-702.1, the
14 Secretary of State shall have exclusive authority to grant,
15 issue, deny, cancel, suspend and revoke driving privileges,
16 drivers' licenses and restricted driving permits.

17 (Source: P.A. 89-92, eff. 7-1-96; 89-584, eff. 7-31-96; 90-779,
18 eff. 1-1-99.)

19 Section 99. Effective date. This Act takes effect upon
20 becoming law.